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**DRAFT**

## **FINAL ACTION AGENDA/MINUTES**

**Village of Estero**  
**9401 Corkscrew Palms Circle**  
**Estero, FL 33928**  
**Village Council Meeting**  
**May 18, 2016 9:30 a.m.**

- 1. OPENING EXERCISES:** (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, and ceremonial presentations)

**Call to Order:** 9:30 a.m.

**Pledge of Allegiance:** Led by Mayor Batos.

**Invocation:** Offered by Pastor Nolen Rollins from Legacy Church.

**Roll Call:** Present: Mayor Nick Batos - District 6, Vice Mayor Howard Levitan - District 2, Councilmember Bill Ribble, District 1, Councilmember Donald Brown - District 3, Councilmember Katy Errington - District 4, Councilmember Jim Boesch - District 5, and Councilmember Jim Wilson - District 7.

Also present: Village Manager Steve Sarkozy, Village Attorney Burt Saunders, Village Clerk Kathy Hall, Finance Director Lisa Pace, and Community Development Director Mary Gibbs.

- 2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:**

**Motion:** Move to approve the agenda, with a revision to address Agenda Item 4 (b)(1) prior to 4 (a)(1).

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember Brown

**Action:** Approved the agenda, with a revision to address Agenda Item 4 (b)(1) prior to 4 (a)(1).

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

### **3. CONSENT AGENDA:**

- (a) Minutes of April 20, 2016 Regular Meeting
- (b) Minutes of May 4, 2016 Regular Meeting

**Motion:** Move to approve the Consent Agenda.

**Motion by:** Councilmember Ribble  
**Seconded by:** Councilmember Errington

**Action:** Approved the Consent Agenda.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

### **4. ORDINANCES:**

#### **(a) SECOND READING AND PUBLIC HEARING:**

- (1) Ordinance No. 2016-05 A Zoning Ordinance of the Village Council of the Village of Estero, Florida; Correcting a Scrivener's Error to Eliminate the Maximum Side Setback of Five Feet for the Plaza Del Sol Commercial Planned Development Located at the Intersection of Three Oaks Parkway and Corkscrew Road, Village of Estero, Florida; Adopting Recitals; Adopting Findings; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2016-05 and all audience members and staff providing testimony were sworn in. Each Councilmember was asked to declare conflicts of interest and ex parte communications; none were noted.

Community Development Director Gibbs provided an explanation regarding the error in the resolution.

**Questions or Comments by:** Vice Mayor Levitan and Mayor Batos.

Discussion involved revising the ordinance by including a statement that Council's granting of the approval was strictly based on the facts and circumstances of the particular application and shall not in any way create a precedent whatsoever for any other actions.

**Public Comment:** None.

**Motion:** Move to adopt Ordinance No. 2016-05 amending the Commercial Planned Development Zoning Resolution No. Z-09-037, Section 2.B, as revised by including a statement that this approval is unique to this particular petition and is not to be considered a precedent in other matters.

**Motion by:** Councilmember Boesch  
**Seconded by:** Councilmember Errington

**Action:** Adopted Ordinance No. 2016-05, amending the Commercial Planned Development Zoning Resolution No. Z-09-037, Section 2.B, as revised by including a statement that this approval is unique to this particular petition and is not to be considered a precedent in other matters.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

**(b) FIRST READING:**

- (1) Ordinance No. 2016-06 An Ordinance of the Village Council of the Village of Estero, Florida; Establishing the Content of and Methods for Adoption, Amendment and Revisions to Personnel Policies; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2016-06. Village Manager Sarkozy and Finance Director Pace provided brief explanations of the Personnel Policies and noted that there would be minor revisions to the document, submitted by Council and the Village Manager, prior to second reading of the ordinance,.

**Questions or Comments by:** Councilmembers Ribble, Errington, Brown, and Mayor Batos.

Discussion involved updating the drug list to include heroin as well as language to incorporate any new or synthetic drugs.

**Public Comment:** None.

**Motion:** Move to approve first reading of Ordinance No. 2016-06 and advance to second reading on June 1, 2016.

**Motion by:** Councilmember Ribble  
**Seconded by:** Councilmember Errington

**Action:** Approved first reading of Ordinance No. 2016-06 and advanced to second reading and public hearing on June 1, 2016.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

**5. PUBLIC HEARINGS:** None.

**6. ACTION ITEMS:**

- (a) Resolution No. 2016-10 A Resolution of the Village Council of the Village of Estero, Florida; Establishing a Village Credit Card Account with SunTrust; and Providing an Effective Date

Village Clerk Hall read the title of Resolution No. 2016-10

Finance Director Pace provided an explanation of the resolution and noted that this was a common practice in municipal government.

**Questions or Comments by:** Councilmember Wilson.

**Public Comment:** None.

**Motion:** Move to adopt Resolution No. 2016-10 establishing a Village Credit Card Account with SunTrust.

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Brown

**Action:** Adopted Resolution No. 2016-10 establishing a Village Credit Card Account with SunTrust.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

- (b) Selection of Village Traffic Study Engineer (RFP 2016-01)

Community Development Director Gibbs provided an explanation of the evaluation committee process and responded to questions from Councilmembers.

**Questions or Comments by:** Councilmembers Brown, Errington, Ribble, Wilson, Vice Mayor Levitan, and Mayor Batos.

Discussion included solicitation of proposals; the interview and selection process; and the depth of the study.

**Public Comment:**

Don Eslick, ECCL

**Motion:** Move to award RFP 2016-01 – Village Traffic Study to Kimley-Horn and authorize the Village Manager, with the assistance of staff, to negotiate a contract to be reviewed by Council at a later date.

**Motion by:** Councilmember Brown

**Seconded by:** Councilmember Wilson

**Action:** Awarded RFP 2016-01 – Village Traffic Study to Kimley-Horn and authorized the Village Manager, with the assistance of staff, to negotiate a contract to be reviewed by Council at a later date.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

(c) Request for Letter of Support for Proposed CREW Headwaters Florida Forever Project Application

Councilmember Errington made a brief introduction.

Brad Cornell, Southwest Florida Policy Associate, Audubon of the Western Everglades/Audubon of Florida, presented information related to the request for a letter of support for the proposed CREW Headwaters Florida Forever project application.

**Questions or Comments by:** Councilmembers Boesch, Wilson, Errington, Ribble, Vice Mayor Levitan and Mayor Batos.

Discussion included mineral rights; Edison Farms; preservation of land and wildlife; and deadline for submission. Mayor Batos believed that language should be included in the letter indicating that it was essential that the Edison Farms property, the DR/GR property in Northern Bonita Springs and other available Lee County DR/GR properties be put into conservation hands as soon as possible.

**Public Comment:**

Peter Cangialosi, ECCL

**Motion:** Move to approve the letter of support to be sent to Office of Environmental Services Division of State Lands, Department of Environmental Protection as revised with the language suggested by Mayor Batos.

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember Ribble

**Action:** Approved the letter of support to be sent to Office of Environmental Services Division of State Lands, Department of Environmental Protection as revised with the language suggested by Mayor Batos.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

The meeting went into recess at 10:30 a.m. and reconvened at 10:38 a.m.

**7. UNFINISHED BUSINESS:** None.

**8. WORKSHOP ITEMS:**

**Note:** Agenda Item 8 (b) was addressed prior to 8 (a).

**(a) Preliminary Village Center Land Development Code Amendments**

Community Development Director Gibbs explained that the Comprehensive Plan was the general policy and the Land Development Code was the specifics of how the policies were implemented. Ms. Gibbs spoke to the balance between what was too strict and what was too subjective, pointed out the upcoming meetings schedule, and provided an overview of the draft code amendments.

**Questions or Comments by:** Vice Mayor Levitan and Councilmember Errington.

Discussion included subjectivity, consistency with the Comprehensive Plan, and the process to make minor changes.

**Public Comment:**

Matt Uhle, representing Livingston/Veterans LLC and CT Investment LLC

Patty Whitehead, Estero resident

Andrew Solis, representing Village Partners, LLC

Steve Hartsell, representing LAI Design Associates and Focus Development Group

Wayne Arnold, representing North Point LTD

Charles Basinait, representing Orange State Partners and General Development Corp.

Paula McMichael, representing Orange State Partners

Beverly MacNellis, Marsh Landing resident

Vice Mayor Levitan encouraged that comments be provided to Community Development Director Gibbs and Councilmember Errington addressed incentives to provide amenities for children.

**(b) Comprehensive Plan Amendments Update**

Community Development Director Gibbs provided information related to comments received from the state agencies regarding the Comprehensive Plan transmittal.

Brief discussion ensued related to the comments from the DEO and Lee County.

**Public Comment:** None.

## **9. PUBLIC COMMENT ON NON-AGENDA ITEMS:**

### **Appearance by:**

Robert King provided updates regarding meetings of the Metropolitan Planning Organization Citizen Advisory Committee and the ECCL Transportation Committee.

## **10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:**

Councilmember Ribble spoke regarding enhancing the Village's relationship with FGCU. He also spoke to authorizing the Village Manager as the Village's negotiator with Lee County regarding interlocal agreements. Discussion ensued regarding individual Councilmembers meeting with County Commissioners.

**Motion:** Move that no one on the Council shall participate in discussions about the issues involving roads and continuation of the Interlocal Agreement in the second budget year, except for the Village Manager, until the Council has had a public discussion/workshop and Council decides to delegate authority to one Councilmember.

**Motion by:** Vice Mayor Levitan  
**Seconded by:** Councilmember Ribble

**Questions or Comments by:** Councilmembers Errington, Wilson, Boesch, Vice Mayor Levitan, and Mayor Batos.

Comments included the Village Manager conducting discussions with the County Manager; the recent letter to the County regarding three Council project priorities; the intention of an upcoming meeting with Commission Kiker; and the lack of success in completion of sidewalks along Estero Parkway.

**Action:** No one on the Council shall participate in discussions about the issues involving roads and continuation of the Interlocal Agreement in the second budget year, except for the Village Manager, until the Council has had a public discussion/workshop and Council decides to delegate authority to one Councilmember.

**Vote:**  
**Aye:** Councilmembers Ribble, Brown, Errington, Wilson, Vice Mayor Levitan and Mayor Batos  
**Nay:** Councilmember Boesch  
**Abstentions:**

Councilmember Brown – conveyed appreciation to all for continued support.

Councilmember Errington provided a report regarding a recent tour of the Boomer property.

Mayor Batos reminded Council of the upcoming May 24, 2016, 5:30 p.m., CIP Workshop at Legacy Church.

**11. VILLAGE ATTORNEY’S REPORT:**

Village Attorney Saunders reported that he would prepare the Village Manager’s evaluation for the June 1, 2016 agenda.

**12. VILLAGE MANAGER’S REPORT:**

Village Manager Sarkozy spoke regarding upcoming additional Council briefings and noted that addendums to agendas would have a deadline of noon the Friday prior to the meeting date. He also spoke about the Estero River cleanup project.

A motion to adjourn was duly made and passed.

**13. ADJOURNMENT:** 12:23 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: \_\_\_\_\_  
Kathy Hall, MMC, Village Clerk

By: \_\_\_\_\_  
Nicholas Batos, Mayor